

REMARKS

This responds to the Office Action mailed on October 19, 2004. No claims have been amended, and claims 28-29 have been added. Claims 1-29 are now pending in this application.

Applicant does not admit that the cited references are prior art and reserves the right to “swear behind” each of the cited references as provided under 37 C.F.R. 1.131.

§102 Rejection of the Claims

The Office Action indicated that claims 1-26 were rejected under 35 USC § 102(e) as being anticipated by French et al. (U.S. 6,263,447). Based on the details of the rejection, Applicant assumes that the Examiner intended to also include claim 27 as rejected under 35 USC § 102(e) as being anticipated by French et al. (U.S. 6,263,447).

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

Claim 1 recites “registering the user with the network-based transaction facility if the verification rating exceeds a predetermined threshold.” (emphasis added). The Office Action indicated that this limitation is disclosed by French at column 12, lines 25-29 and column 14, lines 25-31. Applicant respectfully traverses this assertion. These citations in French relate to authentication and not registration. There is no discussion of registration with the network-based transaction facility within French. In contrast, in French, “[o]nce the authentication process has been satisfied, the invention may generate a digital certificate recording authentication levels and other information related to the user.” French at column 2, lines 62-65.

In particular, as set forth in the response to the previous Office Action mailed March 19, 2004:

French describes a network authentication server that provides verification of the identity of a user. Upon successful completion of levels of authentication, a user receives a digital certificate. This digital certificate enables the user to verify prior authentication at a certain level. The user then presents the digital

certificate to authentication servers at other facilities for future transactions as evidence of identity.

Response at page 8.

Because French does not disclose each element of claim 1, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. §102 has been overcome. Claims 13, 14 and 26 contain similar limitations. Accordingly, Applicant respectfully submits that the rejections of claims 13, 14 and 26 under 35 U.S.C. §102 have been overcome. Because the claims that depend from claims 1 and 14 depend from and further define such claims, Applicant respectfully submits that the rejection of the dependent claims under 35 U.S.C. §102 has been overcome.

With regard to claims 13-27, the Office Action stated that “[a]s per Applicants (sic) statements in the response (Page 9, Response, received 6/24/2004), claims 13-27 do not teach above and beyond this base set of claims.” Office Action at ¶10. Applicant respectfully traverses this assertion. See, for example, claim 27. The Office Action did not indicate where French discloses the limitations of claim 27. Accordingly, Applicant respectfully requests more details regarding the rejection of claim 27.

New Claims

Claims 28-29 have been added. Applicant respectfully submits that no new matter has been added and that such claims are supported, at least, at page 11, line 21 – page 12, line 7. Applicant respectfully submits that French does not disclose having the predetermined threshold proportionate to at least one of the size and type of operation of the facility, or is varied based on the type of user. Accordingly, Applicant respectfully submits that claims 28-29 are in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 371-2103 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

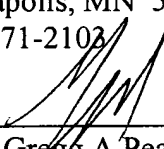
Respectfully submitted,

ALEX POON

By his Representatives,

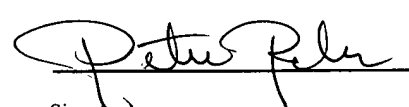
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Date 1-31-05

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31 day of January, 2005.

Peter Rebuffoni
Name


Signature